

REMARKS

This is in response to the Office action dated July 1, 2004. By said Action, claims 71 and 72 were rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 5,968,822. This rejection is respectfully traversed.

As was discussed in said interview, U.S. Patent No. 5,968,822 teaches the infection of insect cells with Baculovirus. As a result of said infection, the cells are lysed and their contents spills to the medium, hence the activity measured therein. It is believed that cell lysis reaches 100 % efficiency. Hence, no living cells capable of extravasation, implantation, transplantation, invasion and/or migration are present in the cell preparation disclosed in U.S. Patent No. 5,968,822.

Not withstanding the above argument, and in order to expedite the prosecution of this case, Applicant has chosen to amend the claims as follows:

1. To limit the cells to mammalian cells;
2. To limit the cells (all of the cells in the preparation) to cells which are not genetically modified to express heparanase.

Hence claim 71, as now amended, is clearly not anticipated by U.S. Patent No. 5,968,822 for at least the following reasons:

1. The type of claimed cells vs. the cells used in U.S. Patent No. 5,968,822;
2. The fact that none of the cells is genetically modified to express heparanase.

Furthermore, the claims as now amended is not rendered obvious by U.S. Patent No. 5,968,822 because, there is no motivation disclosed in U.S. Patent No. 5,968,822 or in the art to externally add heparanase to cells.

It is emphasized that in view of the amendments made to claims 71, the limitation "genetically modified cells" in claim 72 may refer to any genetic modification other than to express heparanase.

Ample support is available in the application for the amendments made to claim 71. Experiments were performed using mammalian cells which were not genetically modified to express heparanase (see the entire examples section). Also see, on page 35, reference to treating patients having an MHC system with cells to which heparanase is externally adhered and which are MHC compatible, whereby it is well known in the art that an MHC system (known as the HLA system in humans) is unique to mammals.

In view of the above amendment to Claim 71, the allowance thereof, along with dependent Claim 72 is deemed to be in order, and such action is respectfully requested. The Examiner is invited to call the undersigned at (703) 415-1581 to resolve any unresolved matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sol Sheinbein', is written over a horizontal line.

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